IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Bail Appl..No. 3998 of 2007()

CRIME NO.224/2007 OF TOWN EAST POLICE STATION, THRISSUR

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PETITIONERS : ACCUSED

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1. SHANKARAN, S/O.KUNJUNNI,
PULLARAKKATTIL HOUSE,
KOLAZHY, THRISSUR.

2. PUSHPAKUMARI, W/O.SHANKARAN,
PULLARAKKATTIL HOUSE,
KOLAZHY, THRISSUR.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS: STATE

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3998 of 2007

Dated this the 3rd day of July, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 2 and 5. They along with co-accused face allegations, inter alia, under Section 420 I.P.C. The crime has been registered on the basis of a private complaint filed before the Magistrate and referred to the police under Section 156(3) Cr.P.C.

2. The crux of the allegations is that the petitioners, who are directors of a company, allegedly suppressed vital information fraudulently and assigned an item of property to the defacto complainant. Subsequently, the property was proceeded against by the Sales Tax authority on the basis of the alleged arrears in payment of tax to the Government by the company. Investigation is in progress. The petitioners' apprehend imminent arrest.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied, in the fact and circumstances of this case, that directions under Section 438 Cr.P.C can be issued in favour of the petitioners. In the absence of serious opposition, it is unnecessary to advert to facts in any greater detail in this order.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 10.07.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 11.07.2007 and 12.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently they shall so report as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 10.07.07 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 10.07.07.

(R.BASANT, JUDGE)

rtr/-